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TRACY R. KIRKHAM (CA SB 69912)  
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*Counsel for Indirect-Purchaser Plaintiffs*

FRANCIS O. SCARPULLA (CA SB 41059)  
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Email: [fos@scarpullalaw.com](mailto:fos@scarpullalaw.com)  
[pbc@scarpullalaw.com](mailto:pbc@scarpullalaw.com)

*Counsel for Indirect-Purchaser Plaintiffs*

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SAN FRANCISCO DIVISION**

In re: CATHODE RAY TUBE (CRT)  
ANTITRUST LITIGATION.

**Master File No. 3:07-cv-5944 JST**

**MDL No. 1917**

This Document Relates to:  
All Indirect-Purchaser Actions.

**DECLARATION OF JOSEF D. COOPER  
IN SUPPORT OF OBJECTION TO  
STIPULATION AND [PROPOSED]  
ORDER AMENDING SPECIAL  
MASTER'S SCHEDULING ORDER NO.  
1 AND REQUEST FOR ALTERNATIVE  
SCHEDULE**

Judge: The Hon. Jon S. Tigar  
Special Master: Martin Quinn, Esq.

DECLARATION OF JOSEF D. COOPER IN SUPPORT OF  
OBJECTION TO STIPULATION AND [PROPOSED]  
ORDER AMENDING SPECIAL MASTER'S SCHEDULING  
ORDER NO. 1 AND REQUEST FOR ALTERNATIVE  
SCHEDULE

Master File No. 3:07-cv-5944 JST  
MDL 1917

1 I, Josef D. Cooper, declare as follows:

2 1. I am a member in good standing of the State Bar of California, and licensed to  
3 practice in the states of California, Illinois and Hawaii. I am a Principal in Cooper & Kirkham,  
4 P.C. and counsel of record for Class Representative Steven Ganz and Indirect Purchaser Plaintiffs  
5 in this proceeding. I have personal knowledge of the facts stated in this Declaration and, if called  
6 as a witness, I could and would testify competently to them. I make this Declaration in support of  
7 the Objection to Stipulation and [Proposed] Order Amending Special Master's Scheduling Order  
8 No. 1 and Request for Alternative Schedule.

9 2. Attached hereto as Exhibits 1A, 1B and 1C are three related email strings  
10 containing emails relating to the proposed modified schedule contained in the Proposed Order.  
11 Each of these emails was addressed to or authored by me and distributed among IPP Counsel,  
12 counsel for various objectors and Special Master Quinn. Each email string begins with an email  
13 sent from the email account of Lauren Capurro on November 5, 2015, at 8:52 p.m. PST. There  
14 may be additional emails not included herein, which relate to the same subject, and that branched  
15 off of the same email string beginning with Ms. Capurro's November 5 email.

16 3. The following chart reflects relevant sets of dates for briefing by IPP Counsel, the  
17 putative settlement class member objectors, and for the Special Master to issue a Report and  
18 Recommendations on final approval of the proposed settlements, a plan for distributing the  
19 settlement proceeds, and lead counsel's motion for attorneys' fees, expenses and incentive awards:

20 / / /

21 / / /

22 / / /

23 / / /

24 / / /

25 / / /

<b><u>EVENT</u></b>	<b>Amended Order Granting Preliminary Approval (Dkt. 3906)</b>	<b>Special Master's Scheduling Order No. 1 (Dkt. 4121)</b>	<b>Lead Counsel Draft Stipulation and [Proposed] Order Amending Special Master's Scheduling Order No. 1</b>	<b>Stipulation and [Proposed] Order Amending Special Master's Scheduling Order No. 1 (Dkt. 4172)</b>
<b>Object to Settlements, Attorneys' Fees/Costs and Incentive Awards</b>	October 8, 2015	October 8, 2015	N/A	N/A
<b>Briefs in Opposition to Objections</b>	October 23, 2015	November 6, 2015	November 20, 2015	November 20, 2015
<b>Reply Briefs by Objectors</b>	[None provided for in Order]	November 13, 2015	November 30, 2015	December 2, 2015
<b>Special Master to file Report and Recommendations</b>	N/A	December 14, 2015	December 21, 2015	December 23, 2015
<b>Objections to Report and Recommendations</b>	N/A	December 30, 2015	January 5, 2016	January 12, 2016
<b>Oppositions to Objections to Report and Recommendations</b>	N/A	January 8, 2016	January 12, 2016	January 19, 2016
<b>Hearing on Final Approval of Settlement, Aggregate Attorneys' Fees/Costs and Incentive Awards</b>	November 13, 2015	"To be set by Assigned Judge"	February 9, 2015 [sic, 2016]	February 23, 2015 [sic, 2016]

4. On November 5, 2013, Special Master Charles B. Renfrew filed the "Report and Recommendations of Special Master – Part III: Attorneys' Fees, Expenses, and Incentive Awards for Plaintiffs" in *In re Dynamic Random Access Memory (DRAM) Antitrust Litig.*, Master File No. M-02-1486-PJH (N.D. Cal.) [Dkt. 2155] which contained the Special Master's findings of fact,

1 conclusions of law and recommendations concerning the award of fair and reasonable attorneys'  
2 fees and incentive awards to private plaintiffs who brought the settled actions.

3 I declare under penalty of perjury that the foregoing is true and correct. Executed this 10<sup>th</sup>  
4 day of November, 2015, in San Francisco, California.

5 /s/ Josef D. Cooper

6 JOSEF D. COOPER

## **EXHIBIT 1A**

Microsoft Office Outlook Web Access

Type here to search

This Folder

Address Book

Options

Log Off

Mail

Calendar

Contacts

Deleted Items (4)

Drafts [5]

Inbox (5956)

Junk E-mail [4]

Sent Items

Click to view all folders

Outbox [1]

Manage Folders...

Reply

Reply to All

Forward

Move

Delete

Junk

Close

RE: CRT/Amendment to Special Master's Scheduling Order No. 1

Paul B. Justi [pbjusti@comcast.net]

Sent: Friday, November 06, 2015 1:38 PM

To: 'Francis Scarpulla' [fos@scarpullalaw.com]; 'MARTIN QUINN' [mq1942@me.com]

Cc: Josef Cooper; 'Lauren Capurro (Russell)' [LaurenRussell@tstp.com]; emilio.varanini@doj.ca.gov; jlwestfall.esq@gmail.com; jscottstjohnpublic@gmail.com; andrea.valdez.esq@gmail.com; trhanigan@gmail.com; cbandas@bandaslawfirm.com; sampc01@gmail.com; jef@fortmanlaw.com; jckress@thekresslawfirm.com; lawchrist@gmail.com; 'Darrell Palmer' [darrell.palmer@palmerlegalteam.com]; rbonsignore@classactions.us; 'Mario Alioto' [malioto@tstp.com]; 'Bob Gralewski' [bgralewski@kmlp.com]; 'Patrick Clayton' [pbc@scarpullalaw.com]; Tracy Kirkham; j.scott.stjohn.public@gmail.com; 'Sandra Chan' [sbchan3171@gmail.com]; 'Marlo Cohen' [marlojams@yahoo.com]; 'Theresa Moore' [tmoore@alitolaw.com]

Dear Mr. Quinn – On behalf of objector Dan L. Williams, I wanted to also register my objections to a proposed briefing schedule that seems deliberately designed to force the objectors to work over both the Thanksgiving and Christmas/winter holidays, but I have confidence that, as you note in your email, you will be able to recommend a fair briefing schedule to the Court.

Thanks,

pbj

Paul B. Justi  
Law Offices of Paul B. Justi  
1981 North Broadway, Suite 250  
Walnut Creek, CA 94596  
t: 925.256.7900  
f: 925.256.9204  
pbjusti@comcast.net  
www.pbjusti.com

CONFIDENTIALITY NOTICE: This e-mail transmission (and/or the attachments accompanying it) is covered by the Electronics Privacy Act, 18 U.S.C. Sections 2510-2521, and is legally privileged. This email may contain confidential information belonging to the sender which is protected by the attorney-client privilege. The information is intended only for the use of the intended recipient. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this information is strictly prohibited. Any unauthorized interception of this transmission is illegal. If you have received this transmission in error, please promptly notify the sender by reply e-mail or telephone, and then destroy all copies of the transmission. UNINTENDED TRANSMISSION SHALL NOT CONSTITUTE WAIVER OF THE ATTORNEY-CLIENT OR ANY OTHER PRIVILEGE. Thank you for your cooperation.

---

**From:** Francis Scarpulla [mailto:fos@scarpullalaw.com]  
**Sent:** Friday, November 06, 2015 10:31 AM  
**To:** MARTIN QUINN  
**Cc:** Josef Cooper; Lauren Capurro (Russell); emilio.varanini@doj.ca.gov; pbjusti@comcast.net; jlwestfall.esq@gmail.com; jscottstjohnpublic@gmail.com; andrea.valdez.esq@gmail.com; trhanigan@gmail.com; cbandas@bandaslawfirm.com; sampc01@gmail.com; jef@fortmanlaw.com; jckress@thekresslawfirm.com; lawchrist@gmail.com; Darrell Palmer; rbonsignore@classactions.us; Mario Alioto; Bob Gralewski; Patrick Clayton; Tracy Kirkham; j.scott.stjohn.public@gmail.com; Sandra Chan; Marlo Cohen; Theresa Moore  
**Subject:** Re: CRT/Amendment to Special Master's Scheduling Order No. 1

I must have misunderstood the previous email from Your Honor. I thought Mr. Alioto was going to present his proposed schedule to Judge Tigar, without consulting with the Special Master. That is why I suggested he first consult with the objectors. If he is going to work out a reasonable schedule with the Special Master's in put, that is a different matter.

https://webmail.marinapps.net/owa/?ae=Item&t=IPM.Note&id=RgAAAA...VkpXY9hS60eqEi9z2FOACGvefrWAABiVkpXY9hS60eqEi9z2FOAKhgHzI4AAAJ

Page 1 of 4

On Nov 6, 2015, at 1:11 PM, MARTIN QUINN <[mq1942@me.com](mailto:mq1942@me.com)> wrote:

Counsel: Thank you, but I am capable of creating a fair briefing schedule to recommend to the Court, in cooperation with class counsel, without holding a meeting or round of telephone calls.

Martin Quinn  
Special Master

MARTIN QUINN  
JAMS  
Two Embarcadero Center, #1500  
San Francisco, CA 94111  
415-774-2669  
[mq1942@me.com](mailto:mq1942@me.com)

On Nov 6, 2015, at 9:51 AM, Francis Scarpulla <[fos@scarpullalaw.com](mailto:fos@scarpullalaw.com)> wrote:

I also want to add my thanks, as well as to voice my agreement with Mr. Cooper's suggestion. I would add that if Mr. Alioto does not confer on the schedule that he disclose that fact to the court and specifically inform the court of our request for such consultation.

On Nov 6, 2015, at 12:46 PM, Josef Cooper <[jdc@coopkirk.com](mailto:jdc@coopkirk.com)> wrote:

We also wish to thank you for your prompt attention to this matter. We respectfully suggest, however, that without the opportunity for all counsel to meet and confer about a schedule, anything that Lead Counsel does unilaterally may be subject to further objections by some or all of the counsel involved. We therefore re-submit our suggestion that the current schedule be vacated and all counsel be given the opportunity to communicate with each other and with you on the subject of scheduling the issues to be covered in your Report and Recommendations to the Court.

Josef Cooper and Tracy Kirkham  
Cooper & Kirkham, P.C.  
357 Tehama Street, Second Floor  
San Francisco, CA 94103  
415-788-3030

---

From: MARTIN QUINN [[mq1942@me.com](mailto:mq1942@me.com)]  
Sent: Friday, November 06, 2015 9:21 AM  
To: Theresa Moore  
Cc: Francis Scarpulla; Josef Cooper; Lauren Capurro (Russell);  
[emilio.varanini@doj.ca.gov](mailto:emilio.varanini@doj.ca.gov); [pjusti@comcast.net](mailto:pjusti@comcast.net); [jlwestfall.esq@gmail.com](mailto:jlwestfall.esq@gmail.com);  
[jscottstjohnpublic@gmail.com](mailto:jscottstjohnpublic@gmail.com); [andrea.valdez.esq@gmail.com](mailto:andrea.valdez.esq@gmail.com);  
[trhanigan@gmail.com](mailto:trhanigan@gmail.com); [cbandas@bandaslawfirm.com](mailto:cbandas@bandaslawfirm.com); [sampc01@gmail.com](mailto:sampc01@gmail.com);  
[jef@fortmanlaw.com](mailto:jef@fortmanlaw.com); [jckress@thekresslawfirm.com](mailto:jckress@thekresslawfirm.com); [lawchrist@gmail.com](mailto:lawchrist@gmail.com); Darrell  
Palmer; [rbonsignore@classactions.us](mailto:rbonsignore@classactions.us); Mario Alioto; Bob Gralewski; Patrick B.  
Clayton; Tracy Kirkham; Brian Torres; [j.scott.stjohn.public@gmail.com](mailto:j.scott.stjohn.public@gmail.com); Sandra  
Chan; Marlo Cohen  
Subject: Re: CRT/Amendment to Special Master's Scheduling Order No. 1

Counsel.... you have been heard. I have asked Mr. Alioto to revise the schedule to give you additional time. He will try to present it to Judge Tigar today, or possibly Monday.

Martin Quinn  
Special Master

MARTIN QUINN  
JAMS  
Two Embarcadero Center, #1500  
San Francisco, CA 94111  
415-774-2669  
[mq1942@me.com](mailto:mq1942@me.com)<<mailto:mq1942@me.com>>

On Nov 6, 2015, at 9:19 AM, Theresa Moore

<[tmoore@aliotolaw.com](mailto:tmoore@aliotolaw.com)<<mailto:tmoore@aliotolaw.com>>> wrote:

During the course of this morning additional recipients have been added to the original email sent by Class Counsel. Thus I am copying my response sent early this morning to the current complete email recipient list of 23 recipients.

Regards,

Theresa Moore

Begin forwarded message:

From: Theresa Moore <[tmoore@aliotolaw.com](mailto:tmoore@aliotolaw.com)<<mailto:tmoore@aliotolaw.com>>>  
Subject: Re: CRT/Amendment to Special Master's Scheduling Order No. 1  
Date: November 6, 2015 at 8:02:06 AM PST  
To: "Lauren Capurro (Russell)"  
<[LaurenRussell@tatp.com](mailto:LaurenRussell@tatp.com)<<mailto:LaurenRussell@tatp.com>>>  
Cc: [emilio.varanini@doj.ca.gov](mailto:emilio.varanini@doj.ca.gov)<<mailto:emilio.varanini@doj.ca.gov>>, Fran Scarpella  
<[fos@scarpullalaw.com](mailto:fos@scarpullalaw.com)<<mailto:fos@scarpullalaw.com>>>, [jdc@coopkirk.com](mailto:jdc@coopkirk.com)<<mailto:jdc@coopkirk.com>>, [pjusti@comcast.net](mailto:pjusti@comcast.net)<<mailto:pjusti@comcast.net>>, [jwestfall.esq@gmail.com](mailto:jwestfall.esq@gmail.com)<<mailto:jwestfall.esq@gmail.com>>, [jscottstjohnpublic@gmail.com](mailto:jscottstjohnpublic@gmail.com)<<mailto:jscottstjohnpublic@gmail.com>>, [andrea.valdez.esq@gmail.com](mailto:andrea.valdez.esq@gmail.com)<<mailto:andrea.valdez.esq@gmail.com>>, [trhanigan@gmail.com](mailto:trhanigan@gmail.com)<<mailto:trhanigan@gmail.com>>, [cbandas@bandaslawfirm.com](mailto:cbandas@bandaslawfirm.com)<<mailto:cbandas@bandaslawfirm.com>>, [sampc01@gmail.com](mailto:sampc01@gmail.com)<<mailto:sampc01@gmail.com>>, [jef@fortmanlaw.com](mailto:jef@fortmanlaw.com)<<mailto:jef@fortmanlaw.com>>, [jckress@thekresslawfirm.com](mailto:jckress@thekresslawfirm.com)<<mailto:jckress@thekresslawfirm.com>>, [lawchrist@gmail.com](mailto:lawchrist@gmail.com)<<mailto:lawchrist@gmail.com>>, [darrell.palmer@palmerlegalteam.com](mailto:darrell.palmer@palmerlegalteam.com)<<mailto:darrell.palmer@palmerlegalteam.com>>, [rbonsignore@classactions.us](mailto:rbonsignore@classactions.us)<<mailto:rbonsignore@classactions.us>>, "Mario N. Alioto" <[malioto@tatp.com](mailto:malioto@tatp.com)<<mailto:malioto@tatp.com>>>, Bob Gralewski  
<[bgralewski@kmlp.com](mailto:bgralewski@kmlp.com)<<mailto:bgralewski@kmlp.com>>>

Counsel-

I object to the Stipulation and Proposed Order requesting new dates and prefer to keep the dates as they are to avoid holiday and family conflicts. The new proposed dates, as well as the proposed dates with an additional week, are not workable, as I will be out of the country and unavailable on the proposed dates when work would be



required.  
Theresa

On Nov 5, 2015, at 8:52 PM, Lauren Capurro (Russell)  
<[LaurenRussell@tatp.com](mailto:LaurenRussell@tatp.com)<<mailto:LaurenRussell@tatp.com>>> wrote:

Dear Counsel:

Attached is a Stipulation and [Proposed] Order Amending the Special Master's Scheduling Order No. 1.

We received these dates from the Special Master today. The Special Master also indicated the Judge has approved these dates. The Special Master wants the stipulation to be filed as soon as possible given that briefs are currently due tomorrow. Therefore, we intend to file the attached stipulation at 2pm Pacific tomorrow.

Mario N. Alioto

Lauren C. Capurro (Russell)  
Attorney at Law  
Trump, Alioto, Trump & Prescott, LLP  
2280 Union Street  
San Francisco, CA 94123  
Telephone: (415) 563-7200  
Facsimile: (415) 346-0679  
E-mail: [lauren russell@tatp.com](mailto:lauren russell@tatp.com)<<mailto:lauren russell@tatp.com>>

This message is sent by a law firm and may contain information that is privileged or confidential. If you received this transmission in error, please notify the sender by e-mail and delete the message and any attachments.

<Stipulation & [Proposed] Order Amending Special Master's Scheduling Order No. 1.pdf>

## **EXHIBIT 1B**

Microsoft Office Outlook Web Access

Type here to search

This Folder

Address Book

Options

Log Off

Mail

Calendar

Contacts

Deleted Items (4)

Drafts [5]

Inbox (5956)

Junk E-mail [4]

Sent Items

Click to view all folders

Outbox [1]

Manage Folders...

Reply

Reply to All

Forward

Move

Delete

Junk

Close

Re: CRT/Amendment to Special Master's Scheduling Order No. 1

Scott St John (public) [j.scott.stjohn.public@gmail.com]

Sent: Friday, November 06, 2015 2:41 PM

To: MARTIN QUINN [mq1942@me.com]

Cc: Francis Scarpulla [fos@scarpullalaw.com]; Josef Cooper; Lauren Capurro (Russell) [LaurenRussell@tatp.com]; emilio.varanini@doj.ca.gov; pbjusti@comcast.net; jlwestfall.esq@gmail.com; jscottstjohnpublic@gmail.com; andrea.valdez.esq@gmail.com; trhanigan@gmail.com; cbandas@bandaslawfirm.com; sampc01@gmail.com; jef@fortmanlaw.com; jckress@thekresslawfirm.com; lawchrist@gmail.com; Darrell Palmer [darrell.palmer@palmerlegalteam.com]; rbonsignore@classactions.us; Mario Alioto [malioto@tatp.com]; Bob Gralewski [bgralewski@kmlp.com]; Patrick Clayton [pbc@scarpullalaw.com]; Tracy Kirkham; Sandra Chan [sbchan3171@gmail.com]; Marlo Cohen [marlojams@yahoo.com]; Theresa Moore [tmoore@aliotolaw.com]

Counsel and Special Master Quinn:

On behalf of objector Douglas W. St. John, I respectfully continue to object to any modification of Scheduling Order No. 1.

Background

On October 9, 2015, the Special Master entered Special Master's Scheduling Order No. 1 providing for IPP Counsel's briefs in opposition to objectors to be due on November 6, 2015. IPP Counsel improperly sought discovery—apparently from every objector—and they relied on that November 6 deadline to insist on short-notice deposition dates, despite the resulting burden on objectors and their counsel.

At 8:52 p.m. Pacific Time the night before the deadline for their opposition papers, IPP Counsel presented the objectors with a fait accompli stipulation to alter Scheduling Order No. 1. The proposed dated would have substantially burdened counsel for the objectors, who not surprisingly objected to the stipulation. The Special Master responded to those objections by "ask[ing] Mr. Alioto to revise the schedule to give [counsel for objectors] additional time. He will try to present it to Judge Tigar today, or possibly Monday."

Objection

A scheduling order cannot be amended except upon a showing of good cause. Fed. R. Civ. P. 16(b); *see also, e.g., Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 610 (9th Cir. 1992).

Here, IPP Counsel's sole rationale for amending Scheduling Order No. 1 is that "eleven objections to the requested attorneys' fees and approval of the proposed settlements have been filed, three of which were not filed with the Court until long after the October 8, 2015 deadline for objections (*see* Dkt. Nos. 4128, 4140, and 4144)." The last of those objections, D.E. 4144, was filed on October 26, 2015. IPP Counsel provide no reason why eleven days was not sufficient time to respond to that objection, nor did IPP Counsel timely seek to modify Scheduling Order No. 1 in view of that tardy objection. *Cf. Zivkovic v. S. Cal. Edison Co.*, 302 F.3d 1080 (9th Cir. 2002) ("If the party seeking the modification was not diligent, the inquiry should end and the motion to modify should not be granted."); *Wingates, LLC v. Commonwealth Ins. Co. of Am.*, 21 F. Supp. 3d 206, 215 (E.D.N.Y. 2014) (attorney's "heavy calendar" did not establish good cause for failing to meet deadlines). Indeed, the words "good cause" do not appear in IPP Counsel's proposal to amend the scheduling order.

No good cause exists to modify Scheduling Order No. 1, and no order amending Scheduling Order No. 1 has been entered. Objector Douglas W. St. John therefore objects to any opposition filed after the November 6, 2015, deadline set in Scheduling Order No. 1, including any factual or expert testimony (including via declarations) developed after that deadline. To the extent the Court disagrees and concludes that there is good cause to modify Scheduling Order No. 1, Mr. St. John respectfully submits that such good cause exists only with respect to the three tardy-filed objections, not Mr. St. John's timely-filed objection. Mr. St. John provides this objection to permit IPP Counsel to comply with Scheduling Order No. 1, and he reserves the right to file a formal objection pursuant to Appointment Order (D.E. 4053-1) § 5.

Finally, please note that Mr. St. John objects to any ex parte communication with the Court regarding this matter.

Very respectfully,

Joseph S. St. John

https://webmail.marinapps.net/owa/?ae=Item&t=IPM.Note&id=RgAAAAB...pXY9hS60eqEi9z2FOACGvefrWAABiIVkpXY9hS60eqEi9z2FOAKhgHzl%2fAAAJ Page 1 of 3

On Fri, Nov 6, 2015 at 12:10 PM, MARTIN QUINN <[mq1942@me.com](mailto:mq1942@me.com)> wrote:

Counsel: Thank you, but I am capable of creating a fair briefing schedule to recommend to the Court, in cooperation with class counsel, without holding a meeting or round of telephone calls.

Martin Quinn  
Special Master

MARTIN QUINN  
JAMS  
Two Embarcadero Center, #1500  
San Francisco, CA 94111  
[415-774-2669](tel:415-774-2669)  
[mq1942@me.com](mailto:mq1942@me.com)

On Nov 6, 2015, at 9:51 AM, Francis Scarpulla <[fos@scarpullalaw.com](mailto:fos@scarpullalaw.com)> wrote:

I also want to add my thanks, as well as to voice my agreement with Mr. Cooper's suggestion. I would add that if Mr. Alioto does not confer on the schedule that he disclose that fact to the court and specifically inform the court of our request for such consultation.

On Nov 6, 2015, at 12:46 PM, Josef Cooper <[jdc@coopkirk.com](mailto:jdc@coopkirk.com)> wrote:

We also wish to thank you for your prompt attention to this matter. We respectfully suggest, however, that without the opportunity for all counsel to meet and confer about a schedule, anything that Lead Counsel does unilaterally may be subject to further objections by some or all of the counsel involved. We therefore re-submit our suggestion that the current schedule be vacated and all counsel be given the opportunity to communicate with each other and with you on the subject of scheduling the issues to be covered in your Report and Recommendations to the Court.

Josef Cooper and Tracy Kirkham  
Cooper & Kirkham, P.C.  
357 Tehama Street, Second Floor  
San Francisco, CA 94103  
[415-788-3030](tel:415-788-3030)

---

From: MARTIN QUINN [[mq1942@me.com](mailto:mq1942@me.com)]  
Sent: Friday, November 06, 2015 9:21 AM  
To: Theresa Moore

Cc: Francis Scarpulla; Josef Cooper; Lauren Capurro (Russell); [emilio.varanini@doj.ca.gov](mailto:emilio.varanini@doj.ca.gov); [pbiusti@comcast.net](mailto:pbiusti@comcast.net); [jlwestfall.esq@gmail.com](mailto:jlwestfall.esq@gmail.com); [jscottstjohnpublic@gmail.com](mailto:jscottstjohnpublic@gmail.com); [andrea.valdez.esq@gmail.com](mailto:andrea.valdez.esq@gmail.com); [trhanigan@gmail.com](mailto:trhanigan@gmail.com); [cbandas@bandaslawfirm.com](mailto:cbandas@bandaslawfirm.com); [sampc01@gmail.com](mailto:sampc01@gmail.com); [jef@fortmanlaw.com](mailto:jef@fortmanlaw.com); [jckress@thekresslawfirm.com](mailto:jckress@thekresslawfirm.com); [lawchrist@gmail.com](mailto:lawchrist@gmail.com); Darrell Palmer; [rbonsignore@classactions.us](mailto:rbonsignore@classactions.us); Mario Alioto; Bob Gralewski; Patrick B. Clayton; Tracy Kirkham; Brian Torres; [j.scott.stjohn.public@gmail.com](mailto:j.scott.stjohn.public@gmail.com); Sandra Chan; Marlo Cohen  
Subject: Re: CRT/Amendment to Special Master's Scheduling Order No. 1

Counsel... you have been heard. I have asked Mr. Alioto to revise the schedule to give you additional time. He will try to present it to Judge Tigar today, or possibly Monday.

Martin Quinn  
Special Master

MARTIN QUINN  
JAMS  
Two Embarcadero Center, #1500  
San Francisco, CA 94111  
[415-774-2669](tel:415-774-2669)  
[mq1942@me.com](mailto:mq1942@me.com) <<mailto:mq1942@me.com>>

On Nov 6, 2015, at 9:19 AM, Theresa Moore  
<[tmoore@aliotolaw.com](mailto:tmoore@aliotolaw.com)<<mailto:tmoore@aliotolaw.com>>> wrote:

During the course of this morning additional recipients have been added to the original email sent by Class Counsel. Thus I am copying my response sent early this morning to the current complete email recipient list of 23 recipients.

Regards,

Theresa Moore

Begin forwarded message:

From: Theresa Moore <[tmoore@aliotolaw.com](mailto:tmoore@aliotolaw.com)<<mailto:tmoore@aliotolaw.com>>>  
Subject: Re: CRT/Amendment to Special Master's Scheduling Order No. 1  
Date: November 6, 2015 at 8:02:06 AM PST  
To: "Lauren Capurro (Russell)" <[LaurenRussell@tntp.com](mailto:LaurenRussell@tntp.com)<<mailto:LaurenRussell@tntp.com>>>  
Cc: [emilio.varanini@doj.ca.gov](mailto:emilio.varanini@doj.ca.gov)<<mailto:emilio.varanini@doj.ca.gov>>, Fran Scarpella <[fos@scarpullalaw.com](mailto:fos@scarpullalaw.com)<<mailto:fos@scarpullalaw.com>>>, [jdc@coopkirk.com](mailto:jdc@coopkirk.com)<<mailto:jdc@coopkirk.com>>, [pjusti@comcast.net](mailto:pjusti@comcast.net)<<mailto:pjusti@comcast.net>>, [jlwestfall.esq@gmail.com](mailto:jlwestfall.esq@gmail.com)<<mailto:jlwestfall.esq@gmail.com>>, [jscottstjohnpublic@gmail.com](mailto:jscottstjohnpublic@gmail.com)<<mailto:jscottstjohnpublic@gmail.com>>, [andrea.valdez.esq@gmail.com](mailto:andrea.valdez.esq@gmail.com)<<mailto:andrea.valdez.esq@gmail.com>>, [trhanigan@gmail.com](mailto:trhanigan@gmail.com)<<mailto:trhanigan@gmail.com>>, [cbandas@bandaslawfirm.com](mailto:cbandas@bandaslawfirm.com)<<mailto:cbandas@bandaslawfirm.com>>, [sampc01@gmail.com](mailto:sampc01@gmail.com)<<mailto:sampc01@gmail.com>>, [jef@fortmanlaw.com](mailto:jef@fortmanlaw.com)<<mailto:jef@fortmanlaw.com>>, [jckress@thekresslawfirm.com](mailto:jckress@thekresslawfirm.com)<<mailto:jckress@thekresslawfirm.com>>, [lawchrist@gmail.com](mailto:lawchrist@gmail.com)<<mailto:lawchrist@gmail.com>>, [darrell.palmer@palmerlegalteam.com](mailto:darrell.palmer@palmerlegalteam.com)<<mailto:darrell.palmer@palmerlegalteam.com>>, [rbonsignore@classactions.us](mailto:rbonsignore@classactions.us)<<mailto:rbonsignore@classactions.us>>, "Mario N. Alioto" <[malioto@tntp.com](mailto:malioto@tntp.com)<<mailto:malioto@tntp.com>>>, Bob Gralewski <[bgralewski@kmlp.com](mailto:bgralewski@kmlp.com)<<mailto:bgralewski@kmlp.com>>>

Counsel-

I object to the Stipulation and Proposed Order requesting new dates and prefer to keep the dates as they are to avoid holiday and family conflicts. The new proposed dates, as well as the proposed dates with an additional week, are not workable, as I will be out of the country and unavailable on the proposed dates when work would be required.

Theresa

On Nov 5, 2015, at 8:52 PM, Lauren Capurro (Russell) <[LaurenRussell@tntp.com](mailto:LaurenRussell@tntp.com)<<mailto:LaurenRussell@tntp.com>>> wrote:

Dear Counsel:

Attached is a Stipulation and [Proposed] Order Amending the Special Master's Scheduling Order No. 1.

We received these dates from the Special Master today. The Special Master also indicated the Judge has approved these dates. The Special Master wants the stipulation to be filed as soon as possible given that briefs are currently due tomorrow. Therefore, we intend to file the attached stipulation at 2pm Pacific tomorrow.

Mario N. Alioto

Lauren C. Capurro (Russell)  
Attorney at Law  
Trump, Alioto, Trump & Prescott, LLP  
2280 Union Street  
San Francisco, CA 94123  
Telephone: (415) 563-7200  
Facsimile: (415) 346-0679  
E-mail: [lauren russell@tntp.com](mailto:lauren russell@tntp.com)<<mailto:lauren russell@tntp.com>>

This message is sent by a law firm and may contain information that is privileged or confidential. If you received this transmission in error, please notify the sender by e-mail and delete the message and any attachments.

<Stipulation & [Proposed] Order Amending Special Master's Scheduling Order No. 1.pdf>

## **EXHIBIT 1C**

Microsoft Office Outlook Web Access

Type here to search This Folder

Address Book Options Log Off

Mail

Calendar

Contacts

Deleted Items (4)

Drafts [5]

Inbox (5956)

Junk E-mail [4]

Sent Items

Click to view all folders

Outbox [1]

Manage Folders...

Reply Reply to All Forward Move Delete Junk Close

## Re: CRT/Amendment to Special Master's Scheduling Order No. 1

rbonsignore@class-actions.us [rbonsignore@class-actions.us]

**Sent:** Friday, November 06, 2015 3:37 PM

**To:** Francis Scarpulla [fos@scarpullalaw.com]

**Cc:** MARTIN QUINN [mq1942@me.com]; Josef Cooper; Lauren Capurro (Russell) [LaurenRussell@tntp.com]; emilio.varanini@doj.ca.gov; pbjusti@comcast.net; jlwestfall.esq@gmail.com; jscottstjohnpublic@gmail.com; andrea.valdez.esq@gmail.com; trhanigan@gmail.com; cbandas@bandaslawfirm.com; sampc01@gmail.com; jef@fortmanlaw.com; jckress@thekresslawfirm.com; lawchrist@gmail.com; Darrell Palmer [darrell.palmer@palmerlegalteam.com]; rbonsignore@classactions.us; Mario Alioto [malioto@tntp.com]; Bob Gralewski [bgralewski@kmllp.com]; Patrick Clayton [pbc@scarpullalaw.com]; Tracy Kirkham; j.scott.stjohn.public@gmail.com; Sandra Chan [sbchan3171@gmail.com]; Marlo Cohen [marlojams@yahoo.com]; Theresa Moore [tmoore@aliotolaw.com]

Mr. Alioto's email clearly put us in a bad spot and forced a response.

This is what he sent:

"Attached is a Stipulation and [Proposed] Order Amending the Special Master's Scheduling Order No. 1.

We received these dates from the Special Master today. The Special Master also indicated the Judge has approved these dates. The Special Master wants the stipulation to be filed as soon as possible given that briefs are currently due tomorrow. Therefore, we intend to file the attached stipulation at 2pm Pacific tomorrow.

Mario N. Alioto"

While this turned out to be another time waster, if we had sat on our hands a stipulation We disagreed with would have been placed on file.

Sent from my iPhone

**Robert J. Bonsignore**  
Bonsignore Trial Lawyers, PLLC  
(781) 856 7650 cell

On Nov 6, 2015, at 10:30 AM, Francis Scarpulla <fos@scarpullalaw.com> wrote:

I must have misunderstood the previous email from Your Honor. I thought Mr. Alioto was going to present his proposed schedule to Judge Tigar, without consulting with the Special Master. That is why I suggested he first consult with the objectors. If he is going to work out a reasonable schedule with the Special Master's in put, that is a different matter.

On Nov 6, 2015, at 1:11 PM, MARTIN QUINN <mq1942@me.com> wrote:

Counsel: Thank you, but I am capable of creating a fair briefing schedule to recommend to the Court, in cooperation with class counsel, without holding a meeting or round of telephone calls.

Martin Quinn  
Special Master

MARTIN QUINN  
JAMS

Two Embarcadero Center, #1500  
San Francisco, CA 94111  
415-774-2669  
mq1942@me.com

On Nov 6, 2015, at 9:51 AM, Francis Scarpulla <fos@scarpullalaw.com> wrote:

I also want to add my thanks, as well as to voice my agreement with Mr. Cooper's suggestion. I would add that if Mr. Alioto does not confer on the schedule that he disclose that fact to the court and specifically inform the court of our request for such consultation.

On Nov 6, 2015, at 12:46 PM, Josef Cooper <[jdc@coopkirk.com](mailto:jdc@coopkirk.com)> wrote:

We also wish to thank you for your prompt attention to this matter. We respectfully suggest, however, that without the opportunity for all counsel to meet and confer about a schedule, anything that Lead Counsel does unilaterally may be subject to further objections by some or all of the counsel involved. We therefore re-submit our suggestion that the current schedule be vacated and all counsel be given the opportunity to communicate with each other and with you on the subject of scheduling the issues to be covered in your Report and Recommendations to the Court.

Josef Cooper and Tracy Kirkham  
Cooper & Kirkham, P.C.  
357 Tehama Street, Second Floor  
San Francisco, CA 94103  
415-788-3030

---

From: MARTIN QUINN [[mq1942@me.com](mailto:mq1942@me.com)]  
Sent: Friday, November 06, 2015 9:21 AM  
To: Theresa Moore  
Cc: Francis Scarpulla; Josef Cooper; Lauren Capurro (Russell);  
[emilio.varanini@doj.ca.gov](mailto:emilio.varanini@doj.ca.gov); [pjusti@comcast.net](mailto:pjusti@comcast.net); [jwestfall.esq@gmail.com](mailto:jwestfall.esq@gmail.com);  
[jscottstjohnpublic@gmail.com](mailto:jscottstjohnpublic@gmail.com); [andrea.valdez.esq@gmail.com](mailto:andrea.valdez.esq@gmail.com);  
[trhanigan@gmail.com](mailto:trhanigan@gmail.com); [cbandas@bandaslawfirm.com](mailto:cbandas@bandaslawfirm.com); [sampc01@gmail.com](mailto:sampc01@gmail.com);  
[jef@fortmanlaw.com](mailto:jef@fortmanlaw.com); [jckress@thekresslawfirm.com](mailto:jckress@thekresslawfirm.com); [lawchrist@gmail.com](mailto:lawchrist@gmail.com); Darrell  
Palmer; [rbonsignore@classactions.us](mailto:rbonsignore@classactions.us); Mario Alioto; Bob Gralewski; Patrick B.  
Clayton; Tracy Kirkham; Brian Torres; [j.scott.stjohn.public@gmail.com](mailto:j.scott.stjohn.public@gmail.com); Sandra Chan;  
Marlo Cohen  
Subject: Re: CRT/Amendment to Special Master's Scheduling Order No. 1

Counsel.... you have been heard. I have asked Mr. Alioto to revise the schedule to give you additional time. He will try to present it to Judge Tigar today, or possibly Monday.

Martin Quinn  
Special Master

MARTIN QUINN  
JAMS  
Two Embarcadero Center, #1500  
San Francisco, CA 94111  
415-774-2669  
[mq1942@me.com](mailto:mq1942@me.com)<<mailto:mq1942@me.com>>

On Nov 6, 2015, at 9:19 AM, Theresa Moore  
<[tmoore@aliotolaw.com](mailto:tmoore@aliotolaw.com)<<mailto:tmoore@aliotolaw.com>>> wrote:

During the course of this morning additional recipients have been added to the original email sent by Class Counsel. Thus I am copying my response sent early this morning to the current complete email recipient list of 23 recipients.  
Regards,

Theresa Moore

Begin forwarded message:

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Date: November 6, 2015 at 8:02:06 AM PST  
To: "Lauren Capurro (Russell)"  
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Cc: [emilio.varanini@doj.ca.gov](mailto:emilio.varanini@doj.ca.gov)<<mailto:emilio.varanini@doj.ca.gov>>, Fran Scarpella  
<[fos@scarpullalaw.com](mailto:fos@scarpullalaw.com)<<mailto:fos@scarpullalaw.com>>>, [jdc@coopkirk.com](mailto:jdc@coopkirk.com)<<mailto:jdc@coopkirk.com>>, [pjusti@comcast.net](mailto:pjusti@comcast.net)<<mailto:pjusti@comcast.net>>, [jwestfall.esq@gmail.com](mailto:jwestfall.esq@gmail.com)<<mailto:jwestfall.esq@gmail.com>>, [jscottstjohnpublic@gmail.com](mailto:jscottstjohnpublic@gmail.com)<<mailto:jscottstjohnpublic@gmail.com>>, [andrea.valdez.esq@gmail.com](mailto:andrea.valdez.esq@gmail.com)<<mailto:andrea.valdez.esq@gmail.com>>, [trhanigan@gmail.com](mailto:trhanigan@gmail.com)<<mailto:trhanigan@gmail.com>>, [cbandas@bandaslawfirm.com](mailto:cbandas@bandaslawfirm.com)<<mailto:cbandas@bandaslawfirm.com>>, [sampc01@gmail.com](mailto:sampc01@gmail.com)<<mailto:sampc01@gmail.com>>, [jef@fortmanlaw.com](mailto:jef@fortmanlaw.com)<<mailto:jef@fortmanlaw.com>>, [jckress@thekresslawfirm.com](mailto:jckress@thekresslawfirm.com)<<mailto:jckress@thekresslawfirm.com>>, [lawchrist@gmail.com](mailto:lawchrist@gmail.com)<<mailto:lawchrist@gmail.com>>, [darrell.palmer@palmerlegalteam.com](mailto:darrell.palmer@palmerlegalteam.com)<<mailto:darrell.palmer@palmerlegalteam.com>>, [rbonsignore@classactions.us](mailto:rbonsignore@classactions.us)<<mailto:rbonsignore@classactions.us>>, "Mario N. Alioto"  
<[malioto@tntp.com](mailto:malioto@tntp.com)<<mailto:malioto@tntp.com>>>, Bob Gralewski



<[bgralewski@kmlp.com](mailto:bgralewski@kmlp.com)<<mailto:bgralewski@kmlp.com>>>

Counsel-

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Mario N. Alioto

Lauren C. Capurro (Russell)

Attorney at Law

Trump, Alioto, Trump & Prescott, LLP

2280 Union Street

San Francisco, CA 94123

Telephone: (415) 563-7200

Facsimile: (415) 346-0679

E-mail: [lauren russell@tntp.com](mailto:lauren russell@tntp.com)<<mailto:lauren russell@tntp.com>>

This message is sent by a law firm and may contain information that is privileged or confidential. If you received this transmission in error, please notify the sender by e-mail and delete the message and any attachments.

<Stipulation & [Proposed] Order Amending Special Master's Scheduling Order No. 1.pdf>



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